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Lead Counsel for Plaintiffs  
in Lead Case No. 3:16-cv-05312-RS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE SUNPOWER CORPORATION  
SHAREHOLDER DERIVATIVE LITIGATION

Lead Case No. 3:16-cv-05312-RS

(Consolidated with Case Nos. 3:16-cv-  
05381-RS and 3:16-cv-05988-RS)

This Document Relates To:

**NOTICE OF CONSOLIDATION**

ALL ACTIONS

Case No. 3:16-cv-07143-RS

SCOTT SALYERS, LAWRENCE GARNER,  
LORIE BARNWELL, GREGORY  
PALICZUK and FRANK BADALAMENTE,  
in Their Capacities as Trustees for the CITY  
OF WARREN POLICE AND FIRE  
RETIREMENT SYSTEM, Derivatively on  
Behalf of SUNPOWER CORPORATION,

Plaintiff,

v.

BERNARD CLÉMENT, LADISLAS  
PASZKIEWICZ, DANIEL LAURÉ, CATHERINE  
A. LESJAK, THOMAS H. WERNER, THOMAS  
R. McDANIEL, PATRICK WOOD III, ARNAUD  
CHAPERON, HUMBERT DE WENDEL, JEAN-  
MARC OTERO DEL VAL, DENIS GIORNO and  
CHARLES D. BOYNTON,

Defendants.

NOTICE IS HEREBY GIVEN that, pursuant to the Stipulation Regarding Consolidation of Related Actions and Case Management; and Order Thereon ("Consolidation Order") entered by the Court on November 15, 2016 (Dkt. No. 12) in the consolidated derivative action entitled *In re SunPower Corporation Shareholder Derivative Litigation*, Lead Case No. 3:16-cv-05312-RS ("Consolidated Derivative Action") pending before the Honorable Richard Seeborg, plaintiffs Bernard Stern, Peter Moscone, and Melvin Brenner did on January 4, 2017, file a Notice of Consolidation (attached hereto as Exhibit A) in the Consolidated Derivative Action. The notice advises the Court that this action is consolidated with the Consolidated Derivative Action under the terms and conditions of the Consolidation Order and requests that the Court direct the clerk to take the appropriate steps to accomplish the consolidation.

Dated: January 4, 2017

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s/ George C. Aguilar  
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*Lead Counsel for Plaintiffs  
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# EXHIBIT A

ROBBINS ARROYO LLP  
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Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE SUNPOWER CORPORATION  
SHAREHOLDER DERIVATIVE LITIGATION

Lead Case No. 3:16-cv-05312-RS

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05381-RS and 3:16-cv-05988-RS)

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**NOTICE OF CONSOLIDATION**

SCOTT SALYERS, LAWRENCE GARNER,  
LORIE BARNWELL, GREGORY  
PALICZUK and FRANK BADALAMENTE,  
in Their Capacities as Trustees for the CITY  
OF WARREN POLICE AND FIRE  
RETIREMENT SYSTEM, Derivatively on  
Behalf of SUNPOWER CORPORATION,

Case No. 3:16-cv-07143-RS

Plaintiff,

v.

BERNARD CLÉMENT, LADISLAS  
PASZKIEWICZ, DANIEL LAURÉ, CATHERINE  
A. LESJAK, THOMAS H. WERNER, THOMAS  
R. McDANIEL, PATRICK WOOD III, ARNAUD  
CHAPERON, HUMBERT DE WENDEL, JEAN-  
MARC OTERO DEL VAL, DENIS GIORNO and  
CHARLES D. BOYNTON,

Defendants.

1 Pursuant to the Stipulation Regarding Consolidation of Related Actions and Case  
2 Management; and Order Thereon ("Consolidation Order") entered by this Court on November 15,  
3 2016 (Dkt. No. 12), Bernard Stern, Peter Moscone, and Melvin Brenner (collectively, the  
4 "Consolidated Derivative Plaintiffs"), plaintiffs in the above-captioned consolidated derivative  
5 action (the "Consolidated Derivative Action"), hereby file this notice regarding consolidation of the  
6 related action styled *Salyers, et al. v. Clement, et al.*, Case No. 5:16-cv-07143-NC (the "*Salyers*  
7 *Action*"), filed in this Court on December 14, 2016 and initially assigned to Magistrate Judge  
8 Nathanael M. Cousins.

9 The *Salyers Action* was filed after entry of the Consolidation Order, is brought as a  
10 shareholder derivative action on behalf of SunPower Corporation, and arises from substantially  
11 similar facts and circumstances and involves the same parties as the Consolidated Derivative  
12 Action. On December 22, 2016, the Consolidated Derivative Plaintiffs filed an administrative  
13 motion to consider whether the *Salyers Action* should be related to the Consolidated Derivative  
14 Action. Dkt. No. 16. The administrative motion was accompanied by a stipulation and proposed  
15 order signed by the parties to both the Consolidated Derivative Action and the *Salyers Action*  
16 acknowledging that the actions are related pursuant to Civil Local Rule 3-12. Dkt. No. 17. On  
17 December 27, 2016, the Court approved the parties' stipulation (Dkt. No. 18), and the *Salyers*  
18 *Action* was reassigned to this Court. *Salyers* Dkt. No. 8.

19 Paragraph 11 of the Consolidation Order states: "This Order shall apply to each case, arising  
20 out of the same or substantially the same transactions or events as these cases, which is  
21 subsequently filed in, remanded to or transferred to this Court." Dkt. No. 12 at 3. Similarly,  
22 paragraph 12 of the Consolidation Order states, in part, that "[a]ll such related derivative actions  
23 that are subsequently filed in, or transferred to, this District shall be consolidated into this action."  
24 *Id.* at 4. As the *Salyers Action* has been deemed related to the Consolidated Derivative Action,  
25 pursuant to paragraphs 11 and 12 of the Consolidation Order, the *Salyers Action* is automatically  
26 consolidated for all purposes with the Consolidated Derivative Action under the terms and  
27 conditions of the Consolidation Order. Pursuant to paragraph 12 of the Consolidation Order, Lead  
28

1 Counsel for plaintiffs in the Consolidated Derivative Action has provided a copy of the  
2 Consolidation Order to counsel for plaintiffs in the *Salyers* Action.

3 Accordingly, the Consolidated Derivative Plaintiffs respectfully submit that the Court  
4 should direct the clerk to: (a) place a copy of the Consolidation Order in the separate file for the  
5 *Salyers* Action; (b) make an appropriate entry in the Lead Case docket; and (c) close the separate  
6 file for the *Salyers* Action.

7 This notice of consolidation is being served on all parties to this action, and a copy of this  
8 notice is being filed in the *Salyers* Action.

9  
10 Dated: January 4, 2017

Respectfully submitted,

11 ROBBINS ARROYO LLP  
12 BRIAN J. ROBBINS  
13 GEORGE C. AGUILAR  
14 ASHLEY R. RIFKIN

s/ George C. Aguilar

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